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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 JAMES DEAN WILKS,) CASE NO. C08-0386-MJP
09 Plaintiff,)
10 v.) ORDER GRANTING IN PART AND
11 SGT. STOWERS, et al.,) DENYING IN PART DEFENDANTS'
12 Defendants.) MOTION FOR PARTIAL SUMMARY
JUDGMENT

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14 The Court, having reviewed defendants' motion for partial summary judgment, the Report
15 and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any
16 objections thereto, and the balance of the record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;
18 (2) Defendants' motion for partial summary judgment (Dkt. No. 22) is GRANTED
19 in part and DENIED in part;
20 (3) The claims identified in plaintiff's complaint as A, E, G, H, I, M, Q, R, S, U, V,
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01 W,¹ and Y are DISMISSED with prejudice;

02 (4) Plaintiff's request for class action status (Dkt. No. 9 at 12-13) is DENIED; and

03 (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
04 defendants, and to Judge Theiler.

05 DATED this 15th day of December, 2008.

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10 Marsha J. Pechman
11 U.S. District Judge
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22 ¹ Plaintiff does not list this claim as "W" but that appears to be an oversight as the claim falls between claims "V" and "X" in his complaint. (Dkt. No. 9 at 65).